

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

-vs-

KIMBERLY ANN BRISCHLE,

Plaintiff,

Defendant.

Case No. 2:21-CR-0093-RMP

CRIMINAL MINUTES

DATE: MAY 26, 2022

LOCATION: SPOKANE

SENTENCING HEARING

| | | | | | |
|---|--|-------------------------------------|--|---|--|
| | | Hon. Rosanna Malouf Peterson | | | |
| Penny Lamb Courtroom Deputy | | LC1 Law Clerk | | Allison Anderson Court Reporter | |
| Timothy J. Ohms Government Counsel | | | Amy H. Rubin and J. Stephen Roberts, Jr. Defense Counsel | | |
| United States Probation Officer: Shawn Kennicutt | | | | | |

☒ **Open Court**

☐ **Chambers**

☐ **Telecon**

Defendant present in custody of United States Marshal with appointed counsel.

Court confirmed with Defendant that the Court has reviewed the PSR, the Addendum, the Second Addendum, the Notice of Review of the PSR by the Government, Dr. Cosby's evaluation, and that Defendant has had an opportunity to review all of those same documents. Court confirmed with counsel that they had no objections to the PSR. The Court accepted the Presentence Investigation Report.

Mr. Roberts addressed the Court and asked that the Court accept the parties' 11(c)(1)(C) Plea Agreement and made a recommendation for a sentence of 30 months incarceration, 3 years supervised release, restitution, a \$200 Special Penalty Assessment, and no fine to be imposed. Mr. Ohms addressed the Court and concurred with Mr. Roberts' statements and the agreed with the recommendation in the plea agreement. Amy Rubin asked the Court if interest could be waived on the restitution amount. Mr. Ohms asked that the Court enter an order consistent with the 11(c)(1)(C) Plea Agreement. The Court will use the Court's discretion on the interest issue. Defendant addressed the Court and read a letter that she had written.

Court ACCEPTS the parties' 11(c)(1)(C) Plea Agreement.

Imprisonment: 30 Months on Counts 1 and 2 of the Superseding Indictment to run concurrent to each other

Supervised Release: 3 Years on Counts 1 and 2 of the Superseding Indictment to run concurrent to each other, with standard conditions **plus special conditions:**

- You must not communicate, or otherwise interact, with W.B., either directly or through someone else, without first obtaining the permission of the probation officer. You must not enter the premises or loiter within 1000 feet of the victim's residence or place of employment.
- Mental health evaluation and treatment/counseling, if recommended
- Search of person, vehicle and residence

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| CONVENED: 11:01 A.M. | ADJOURNED: 11:44 A.M. | TIME: 0:43 HR. | CALENDARED [N/A] |
|-----------------------------|------------------------------|-----------------------|---------------------------|

- Substance abuse evaluation and treatment/counseling, if recommended
- Abstain from controlled substances and submit to testing

Fine:

Waived

Special Assessment:

\$200 – Inmate Financial Responsibility Program

Restitution:

\$179,988.99

The Court ordered that interest shall be waived on the restitution. The Court will have Probation get an updated list of all medications that Defendant needs and will sent that to the Bureau of Prisons along with a copy of Dr. Cosby's evaluation. Appeal rights given. Court GRANTS Government's oral motion to dismiss Count 3 of the Superseding Indictment with prejudice.